

08-02-05

JC04 Rec'd PCT/PTO - 1 AUG 2005

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

001696-52555

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/510,518

INTERNATIONAL APPLICATION NO.
PCT/US2002/030997INTERNATIONAL FILING DATE
30 September 2002 (30.09.2002)PRIORITY DATE CLAIMED
28 September 2001 (28.09.2001)

TITLE OF INVENTION LOCALIZED NON-INVASIVE BIOLOGICAL MODULATION SYSTEM

APPLICANT(S) FOR DO/EO/US SAOIRSE CORPORATION and KANE, Patrick D.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/510,518	INTERNATIONAL APPLICATION NO. PCT/US2002/030997	ATTORNEY'S DOCKET NUMBER 001696-52555
20. Other items or information: Express Mail Certificate EV 653001256 US (1 pg.); Petition under 37 C.F.R. 1.110(e) (3 pp.); Statement by Nicole L. M. Valtz in Support of Petition Under 37 CFR 1.10(e) (2 pp.); True Copy of return receipt postcard date stamped April 4, 2005 (1 pg.); True Copy of Express Mail Label (1 pg.); Copy of U.S.P.S. Log indicating Delivery (1 pg.); Copy of Notification of Missing Requirements under 35 U.S.C. 371 mailed July 7, 2005 (2 pp.); True copy of correspondence mailed April 4, 2005, including executed Declaration and Power of Attorney (10 pp.); Return Receipt Postcard.		
The following fees have been submitted		CALCULATIONS
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300		\$
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))		\$
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0		\$
All other situations..... \$200		\$
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))		\$
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0		\$
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100		\$
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400		\$
All other situations..... \$500		\$
TOTAL OF 21, 22 and 23 =		0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		\$
Total Sheets	Extra Sheets	RATE
- 100 =	/50 =	x \$250
		\$ 0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$ 0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	16 - 20 =	0
Independent claims	1 - 3 =	0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360
		\$ 0.00
TOTAL OF ABOVE CALCULATIONS =		\$ 0.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$ 0.00
SUBTOTAL =		\$ 0.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$ 0.00
TOTAL NATIONAL FEE =		\$ 0.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$ 0.00
TOTAL FEES ENCLOSED =		\$ 0.00
		Amount to be refunded: \$
		Amount to be charged \$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit
Account No. 50-0850. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not
be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed
and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Ronald I. Eisenstein
Nixon Peabody LLP
100 Summer Street
Boston, MA 02110

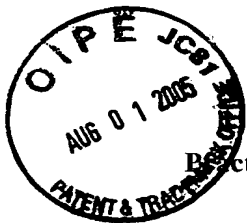


SIGNATURE

Ronald I. Eisenstein/Nicole L.M. Valtz
NAME

30,628/47,150

REGISTRATION NUMBER



Patitioner's Docket No. 001696-52555

PATENT

IN THE UNITED STATES RECEIVING OFFICE

PCT/US2002/030997	30 September 2002 (30.09.2002)	28 September 2001 (28.09.2001)
International Application Number	International Filing Date	International Earliest Priority Date

**TITLE OF INVENTION: LOCALIZED NON-INVASIVE BIOLOGICAL
MODULATION SYSTEM**

APPLICANT(S) FOR EO/DO: SAOIRSE CORPORATION

INVENTOR(S)/APPLICANT(S) FOR US: KANE, Patrick D.

U.S.S.N.: 10/510,518

**VERIFIED CERTIFICATION OF EXPRESS MAILING DATE
(INTERNATIONAL APPLICATION (37 C.F.R. section 1.10(c)))**

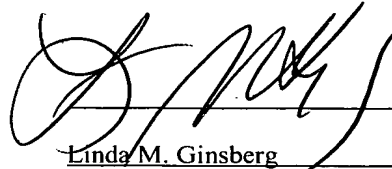
I declare that, on August 1, 2005 I deposited, with the United States Postal Service, in an envelope "Express Mail, Post Office to Addressee," bearing Label Number EV 653001256 US, addressed to the "MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450," and having an express mail certification that I executed, the following papers:

1. Express Mail Certificate EV 653001256 US (1 pg.);
2. Transmittal Letter to the U.S. Receiving Office Concerning a Filing Under 35 U.S.C. 371 – page 3 in duplicate (4 pp.);
3. Petition under 37 C.F.R. 1.110(e) (3 pp.);
4. Statement by Nicole L. M. Valtz in Support of Petition Under 37 CFR 1.10(e) (2 pp.);
5. True Copy of return receipt postcard date stamped April 4, 2005 (1 pg.);
6. True Copy of Express Mail Label (1 pg.);
7. Copy of U.S.P.S. Log indicating Delivery (1 pg.);
8. Copy of Notification of Missing Requirements under 35 U.S.C. 371 mailed July 7, 2005 (2 pp.);
9. True copy of correspondence mailed April 4, 2005, including executed Declaration and Power of Attorney (10 pp.);
10. Return Receipt Postcard.

A copy of these papers from the file of this application is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: August 1, 2005



Linda M. Ginsberg
(type or print name of person certifying)

Practitioner's Docket No. 01696-52555

PATENT

IN THE UNITED STATES RECEIVING OFFICE

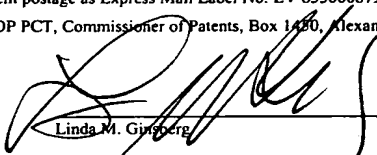
PCT/US2002/030997	30 September 2002 (30.09.2002)	28 September 2001 (28.09.2001)
International Application Number	International Filing Date	International Earliest Priority Date

TITLE OF INVENTION: LOCALIZED NON-INVASIVE BIOLOGICAL MODULATION SYSTEM

APPLICANT(S) FOR EO/DO: SAOIRSE CORPORATION

INVENTOR(S)/APPLICANT(S) FOR US: KANE, Patrick D.

U.S.S.N.: 10/510,518

CERTIFICATE OF MAILING	
I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as Express Mail Label No. EV 653000879 US in an envelope addressed to MAIL STOP PCT, Commissioner of Patents, Box 1450, Alexandria, VA 22313-1450.	
Date: April 4, 2005	 Linda M. Ginsberg

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER TO EXAMINER

On October 7, 2004, Applicant submitted the application under 35 U.S.C. 371 in the United States Designated/Elected Office for the above-referenced international application. Enclosed herewith please find:

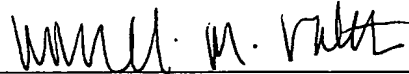
1. Executed Declaration and Power of Attorney (3 pp.).

Applicant previously paid on October 7, 2004 the surcharge for furnishing the Oath and Declaration later than 30 months from the earliest priority date. Accordingly, Applicant believes no fee is due at this time. Please charge any fees that may be due in connection with this matter to Deposit Account No. 50-0850.

Please contact the undersigned if any additional information is needed.

Date: April 4, 2005

Respectfully submitted,



Ronald I. Eisenstein (Reg. No. 30,628)

Nicole L.M. Valtz (Reg. No. 47,150)

NIXON PEABODY LLP

100 Summer Street

Boston, MA 02110

(617) 345-6057

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 001696-52555
INTERNATIONAL APPLICATION NO. PCT/US2002/030997		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/510,518
INTERNATIONAL FILING DATE 30 September 2002 (30.09.2002)		PRIORITY DATE CLAIMED 28 September 2001 (28.09.2001)
TITLE OF INVENTION LOCALIZED NON-INVASIVE BIOLOGICAL MODULATION SYSTEM		
APPLICANT(S) FOR DO/EO/US SAOIRSE CORPORATION and KANE, Patrick D.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

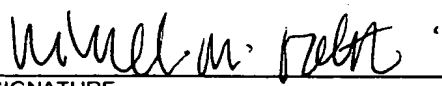
1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
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 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
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18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **Exp. Mail Cert. EV 653000879 US; Letter to Examiner; Return Receipt Postcard.**

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/510,518		INTERNATIONAL APPLICATION NO. PCT/US2002/030997		ATTORNEY'S DOCKET NUMBER 001696-52555	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee..... \$300				\$	
22. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$	
23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$	
TOTAL OF 21, 22 and 23 =				\$ 0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	16 - 20 =	0	x \$ 50	\$ 0.00	
Independent claims	1 - 3 =	0	x \$200	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 0.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				0.00	
SUBTOTAL =				\$ 0.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	0.00
TOTAL NATIONAL FEE =				\$	0.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	0.00
TOTAL FEES ENCLOSED =				\$	0.00
Surcharge previously paid 10/7/2004				Amount to be refunded:	\$
				Amount to be charged:	\$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0850</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO: Ronald I. Eisenstein Nixon Peabody LLP 100 Summer Street Boston, MA 02110</p>					
				 SIGNATURE Ronald I. Eisenstein/Nicole L.M. Valtz NAME 30,628/47,150 REGISTRATION NUMBER	

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Search Results

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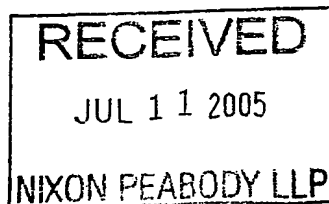
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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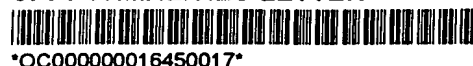
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/510,518	Patrick D Kane	001696-52555

INTERNATIONAL APPLICATION NO.	
PCT/US02/30997	
LA. FILING DATE	PRIORITY DATE
09/30/2002	09/28/2001

Ronald I Eisenstein
 Nixon Peabody
 100 Summer Street
 Boston, MA 02110



CONFIRMATION NO. 8868
 371 FORMALITIES LETTER



Date Mailed: 07/07/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/07/2004
- Copy of the International Search Report filed on 10/07/2004
- Preliminary Amendments filed on 10/07/2004
- Information Disclosure Statements filed on 10/07/2004
- U.S. Basic National Fees filed on 10/07/2004
- Priority Documents filed on 10/07/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/510,518	PCT/US02/30997	001696-52555

FORM PCT/DO/EO/905 (371 Formalities Notice)

Mailing Date: 4/4/2005
Client: Saoirse Corp.
Inventors: Patrick D. Kane
Serial No.: 10/510,518
Filing Date: 09/30/2002 (IA DATE)

Attorney/Sec: RIE/NV/LMG
Docket No.: 001696-52555
Patent No.:
Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

1. Express Mail Certificate EV 653000879 US (1 pg.);
2. Form 1390 (3 pp.);
3. Letter to Examiner (1 pg.);
4. Executed Oath and Declaration (3 pp.); and
5. Return Receipt Postcard.

Due Date:

I certify that this document
is a true copy of the original

Wm. M. Kelly 8/1/05
Signature Date

IN THE UNITED STATES RECEIVING OFFICE

PCT/US2002/030997	30 September 2002 (30.09.2002)	28 September 2001 (28.09.2001)
International Application Number	International Filing Date	International Earliest Priority Date

**TITLE OF INVENTION: LOCALIZED NON-INVASIVE BIOLOGICAL
MODULATION SYSTEM**

APPLICANT(S) FOR EO/DO: SAOIRSE CORPORATION
INVENTOR(S)/APPLICANT(S) FOR US: KANE, Patrick D.
U.S.S.N.: 10/510,518

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

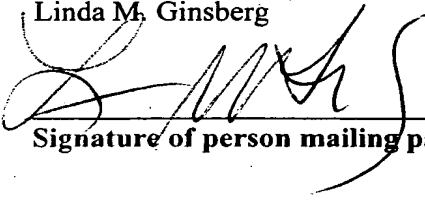
"Express Mail" label number EV 653000879 US
Date of Deposit April 4, 2005

I hereby state that the following *attached* paper or fee

1. Express Mail Certificate EV 653000879 US (1 pg.);
2. Form 1390 (3 pp.);
3. Letter to Examiner (1 pg.);
4. Executed Oath and Declaration (3 pp.); and
5. Return Receipt Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to the MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Linda M. Ginsberg


Signature of person mailing paper or fee

IN THE UNITED STATES RECEIVING OFFICE

PCT/US2002/030997	30 September 2002 (30.09.2002)	28 September 2001 (28.09.2001)
International Application Number	International Filing Date	International Earliest Priority Date

TITLE OF INVENTION: LOCALIZED NON-INVASIVE BIOLOGICAL
MODULATION SYSTEM

APPLICANT(S) FOR EO/DO: SAOIRSE CORPORATION
 INVENTOR(S)/APPLICANT(S) FOR US: KANE, Patrick D.
 U.S.S.N.: 10/510,518

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below, with the United States Postal Service with sufficient postage as Express Mail Label No. EV653001256US in an envelope addressed to MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

August 1, 2005
 Date

Linda M. Ginsberg
 (type or print name of person mailing paper)

(signature of person mailing paper)

MAIL STOP PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

PETITION TO ACCORD FILING DATE
 FOR EXPRESS MAIL CORRESPONDENCE NOT RECEIVED BY P.T.O.
 (37 C.F.R. SECTION 1.10(e))

NOTE: See Section 513, M.P.E.P., 7th Edition.

1. This is a petition to accord the correspondence in the above-identified
☒ application
☐ patent
 a filing date of April 4, 2005 which is the date the correspondence was deposited
 Date
 with the U.S.P.S. with proper postage.

2. Submitted herewith is the statement of Nicole L. M. Valtz as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. Section 1.10(e)(1).

3. The following are the papers required by 37 C.F.R. Section 1.10(e)(3) for this petition:

☒ [X] A true copy of the originally-deposited paper(s) or fee(s) (See item 3 above.)

☒ [X] A true copy of the returned postcard showing receipt of these papers by the P.T.O.

☐ [] A true copy of the canceled check showing the date for the fee payment by this correspondence

☐ [] A true copy of the deposit account statement showing the date for the fee payment by this correspondence

☒ [X] A true copy of the "Express Mail" mailing label showing the "date-in"

☒ [X] A true copy of the Express Mail Log that came into being within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the U.S.P.S.

☐ [] The log indicating that the correspondence was deposited prior to the last scheduled pickup for that day

☐ [] Statement(s) from relevant U.S.P.S. official(s)

☐ [] Other

and, also attached hereto, is a statement, signed by the person who deposited the documents as "Express Mail" with the U.S.P.S., setting forth the date and time of deposit, and declaring that the copies of the correspondence, "Express Mail" mailing label, and returned postcard receipt accompanying this petition are true copies of the correspondence, mailing label and returned postcard receipt originally mailed or received.

INTERNATIONAL APPLICATION NO.
PCT/US2002/030997

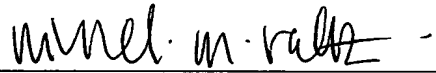
INTERNATIONAL FILING DATE
30 September 2002 (30.09.2002)

PRIORITY DATE CLAIMED
28 September 2001 (28.09.2001)

4. [X] In the event that any fee is required, the PTO is authorized to charge our deposit account No. 50-0850.

Date: August 1, 2005

Respectfully submitted,



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